

Minutes for the
Daggett County Planning & Zoning Meeting
August 17, 2016 6:00 PM

Members Present: Woody Bair; chair, Chad Reed, Joe Jacobs, Brian Raymond; alternate, Carrie Poulsen; alternate and secretary.

Members Absent: Al Ladeau; excused.

Guest Present: Jim Fariello, Jack Lytle; commissioner, Hank Gutz, Mike Musselman. Jack, Hank, Mike and Chad were also representing the DCPLAC.

1. Woody Bair welcomed everybody and called the meeting to order at 6:00 PM.

2. Consideration & Discussion: Approval of June 1, 2016 and June 15, 2016 minutes. Chad Reed motioned to approve the June 1, 2016 minutes, Carrie seconded. All in favor, motion passed. Brian had a question on what he was suppose to check on regarding the airport zone map. Chad said he thought it was regarding how high and the distance someone could build by the airport. Joe Jacobs motioned to approve the June 15, 2016 minutes with changes, Woody Bair seconded. All in favor, motion carries.

3. Public Comments: 5 minutes per person as needed. No public comments.

4. Consideration & Discussion: Adopt and recommend to the County Commissioners to adopt the 2015 International Code Books. After discussion Chad Reed motioned for the Planning & Zoning board to adopt the 2015 IRC code books and recommend to the County Commissioners to adopt them. Joe seconded, all in favor, motion carries.

5. Discussion: Jim Fariello, Brown Park. Mr. Fariello owns one lot in Browns Park. Carrie presented the board with pictures of Mr. Fariello's property. He said he called the county and said he was told he did not need a building permit for a structure less than 200 square feet. He had a dry cabin build that is less than 200 square feet and it has no utilities. He said throughout the state of Utah in the park system there are these types of cabins. He would like to see if the county would allow a special use permit in order for him to use his cabin and for the county to be able to inspect the cabin. He did say the cabin is on skids and if he is not able to use it he will move it but would like it to stay in Daggett County. He would like to see Taylor Flat become a "tiny home" community and the county to gain control of that area and it would be an advantage to the county. He asked if he is violation for his structure as the building inspector left a complaint investigation notice on his door that said he cannot live in structure, no overnight stays, no sleeping. No electrical, mechanical or plumbing allowed without a permit. Mr. Fariello said he is aware that he cannot stay in the cabin now. Woody said that his understanding of the 200 square foot rule is designed to cover accessory buildings. Woody said the difference he sees here is that Mr. Fariello is using the shed to live in not as an accessory building. Woody said he thinks he needs

a building permit. Mr. Fariello cannot get a building permit for a dwelling as it is required by Tri County Health that there be 6 contiguous lots in order to have a septic and well. Mr. Fariello feels that the cabin is self contained as he has a composting toilet. Chad Reed explained why the need for 6 lots as far as well and septic system placements. Chad said based on the subdivision ordinance you need these facilities in order for anything to be lived in. Mr. Fariello said he is able to get water from his neighbors well at this time, which he thought was allowed by the county. Woody asked if Mr. Fariello would be able to plead his case to Tri County Health in the building permit process. Carrie said another problem will be the counties definition of what a dwelling is and what the size requirements are. Mr. Fariello said when he bought the property he was told he could camp there for 2 weeks at a time. He said that would be acceptable to him and asked what is the difference between him putting his camper there or his cabin? Carrie said the county would have to work with Tri County in regards to something being fully contained as Mr. Fariello's seems to be and what could be worked out. Woody suggested if this was allowed it would have to be under a conditional use permit. The board understands that when Taylor Flat was originally put in place it was suppose to have water and sewer but that was never installed. Mr. Fariello said that he has stopped all work on the property. Chad said he would like to see what Tri County has done with Taylor Flat because of the problems with needing to have 6 lots and the suggestion of allowing self contained units. Carrie said she tried to get a hold of Darrin Brown at Tri County but had not heard back as of this time. Chad also said neighbors sharing water needs to be cleared up on whether or not Tri County allows that. In conclusion Woody advised Mr. Fariello to speak with Tri County; we will speak with Tri County as well.

6. Discussion: Bernell Christensen. Complaint regarding travel trailers left on lots. Mr. Christensen was not present. Carrie said the subdivision the complaint is in is Sunshine or the one by there. Woody read the Daggett County Ordinances, Article VX, section 1501. Woody asked for suggestions from the board and asked Carrie which she gets more complaints about. If people want to leave their trailers or about people leaving their trailers. Carrie said she gets more complaints about people leaving their travel trailers, staying in them and hooking them to utilities. Carrie asked how these lots that just have travel trailers on them were able to get utilities as in the code it states that they must have a building permit in order to have utilities hooked up. Carrie asked how we can handle the storage of travel trailers. The board feels that if they are using them in the 16 days out of 30 then it is not storage. The board would like Chad Woolley to draft a letter to all the utility companies regarding hooking up any utilities until a building permit has been issued and to the property owners keeping trailers on their lots, per the Daggett County Ordinances.

7. Consideration and Discussion: Guest Homes, accessory dwelling units, nightly rentals. Carrie explained to the board regarding the nightly rentals would be the whole single family dwelling, not just a room. Brain said if it was brought up in yesterday's commission meeting that if a home is used as a commercial business then they need to be charged commercial rates for water, sewer, taxes etc. Woody said they would also need to pay transient room tax, sales tax and have a business license. Carrie asked if the board would consider allowing this in the county. Chad Reed asked what Bear Lake, Garden City, allowed? Carrie wasn't sure but she did present to the board the Dutch John ordinance regarding this. Woody read number 69 in definitions of the Dutch John Ordinance regarding short term

residential rental units. The main part discussed was that a short term rental unit would only be allowed after obtaining a conditional use permit and business license. Brian said one positive outcome would be for people to be able to rent them and that would increase the property values and could possibly create jobs for property management people. Woody asked for any other discussion. The board would like more information and research on what other counties allow, specifically Garden City by Bear Lake in Rich County. Chad Reed motioned to find out more information to be able to come to a resolution on this matter. Woody offered a suggestion to table it for more information. Chad Reed restated his motion to continue to gather additional information and table the discussion. Joe Jacobs seconded. All in favor, motion passed. No other discussion regarding guest homes or accessory dwelling units. Jack may suggest to the town of Manila the Dutch John ordinance regarding short term rentals.

8. Building Permit Report: New items are in red for the board to review. Carrie asked about the Marge Kushida/Wayne Kent building permits. It is unclear if Wayne Kent is a licensed contractor. He has built 2 homes now in the Kushida subdivision and one has sold already and the other one is up for sale. Do you have to be a licensed contractor to be able to build and sale? Brian asked if he was doing the work under a licensed contractor and he is not. The board asked if he was living in it for a year then selling it, but he is not as the second home has not even had a final yet. Chad Reed said if these homes were financed by a bank then the bank would make him have a contractor license or work under one. The board would like input from Matt Tate, the building inspector regarding this. No further discussion.

9. Public Lands Report: Jack Lytle said that SWCA is producing a document and it is in a very early stage. It is a summary of the data that exist and is consistent for all 3 counties, Daggett, Uintah and Duchene and could possibly be apply to the DCRMP if we choose to. The draft of the Wilderness plan was provided to SWCA today by Jack and Karen Perry. The Commissioners are considering hiring a consultant firm, Rural Communities Planning Group, to help with the DCRMP as Mark Ward has resigned. More discussion took place regarding the process and hiring to facilitate the DCRMP and the draft of the Wilderness Plan.

10: Follow up.

A. Hand in Hand email from Ryan Swapp stating that nothing more will be done on the project until the water issue is figured out.

B. New board members still needed.

C. Violation letters. Woody recommended engaging our compliance mood and take these letter seriously that were sent out. One was sent to Maxsen LLC in Greendale requiring a building permit for a remodel. One was sent to Kim Cook requiring a building permit for a remodel. One sent to Jamie Butler requiring a building permit for a solar system and wood stove and advised her that they cannot stay in the structure. One was sent to David Beers regarding wind damage to a structure in Taylor Flat and was advised of the need to obtain a building permit to repair or remove structure and have corrected by 9/15/16. Discussion regarding travel trailers being hooked to septic system and that is against the ordinance. No other follow discussion. Mr. Musselman asked about the 3M market and he was advised that that is in the town of Manila's jurisdiction.

11. Consideration & Discussion: 7:00 PM, County Resource Management Plan. Woody acknowledged the guest present from the Public lands committee, Mike Musselman and Hank Gutz. Others members present from the PLI committee are Jack Lytle and Chad Reed. The board reviewed from page 10 of the new draft, I.B. Findings regarding areas of critical environmental concern (ACECs). In number 8 the board would like VRM defined meaning Visual Resource Management. In number 9 change Utah Division of Resources to read Utah Division of Wildlife Resources. Jack showed the ACECs on the map to the board. In section II Objectives number 8 change Utah Division of Resources to Utah Division of Wildlife Resources. Jack questioned why RS247 has never been pushed for Carter Trail when it has a historical use. Discussion on what roads would stay open and what ones would be closed. Hank Gutz discussed the rise in use of ATV's and the need of Multiple Use areas. Discussion on what the PLI board has designated as wilderness. Discussion on the roads. Woody asked for an example of what an existing private citizen wilderness. Mike Musselman said environmentalist would be an example. So if a private entity wanted a designated wilderness on public land that just because it is suggested it should not be managed by the BLM or Forest Service until studied. Section III Policies and Guidelines supporting Daggett County's Objectives, no changes. Woody asked what action needs to be taken on this document. Chad Reed made a motioned to move forward with the section of the Daggett County Resource Management Plan regarding Wilderness and Related Special Designations with the corrections made and for the Planning & Zoning board to hold a public hearing if necessary and then recommend to the County Commissioners to include in the DCRMP. Joe Jacobs seconded. No further discussion, all in favor, motion passed. Discussion on the Three Corners area.

12. Next agenda items: Schedule next meeting. Next meeting scheduled for September 21, 2016 at 6:00 PM at the Daggett County Courthouse. Next agenda items, nightly rentals, follow up with Jim Fariello. Meeting adjourned at 8:31 PM.